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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,252	07/28/2000	Joseph Skeffington Wholey III	07470-050001	2390
20985	7590	03/09/2006		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AMINI, JAVID A	
			ART UNIT 2672	PAPER NUMBER
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,252

Applicant(s)

WHOLEY III ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8,9,11-14,16-18,21,22,24-27,29-31,34,35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 8-9, 11-14, 16-18, 21-22, 24-27, 29-31, 34-35, 37-39 rejected under 35 U.S.C. 102(b) as being anticipated by Schematic Capture with MicroSim PSpice, 3rd Ed., Marc. E. Herniter, Prentice Hall, Upper Saddle River, N.J, 1998. This book comes with a CD that contains an evaluation version of Pspice, (Hereinafter refers as Pspice).

1. Claim 1,

Examiner's comment about the Pspice: it's circuit simulation program that shows how to create a circuit, e.g., using components and links between components indicating flows of data, how to run the different analyses, and how to obtain the results from those analyses.

Pspice on pages 255-280 illustrates "a graph-based representation of an executable computer application", e.g., on page 272 at top figure illustrates a data delays including vertices

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(e.g., vertices on inverter 7404 considered as 1, and 2) and the inverter is considered as one of the components. Pspice on the same page and figure illustrates the links between components.

The preamble in claim 1 claims as follows: “a method for modifying a graph-based representation of an executable computer application, the graph-based representation including a having vertices representing components and links between components indicating flows of data between such components the graph further having components with parameters, including:”

Pspice on the same page at middle figure illustrates programmatically retrieving definition of runtime parameters e.g., an inverter 7404, 2-input NOR 74-2 and 2-input AND 7408 are considered as components however, each component has been defined in library in respect to their runtime-parameters, e.g., on page 261 at the bottom figure shows a part name as 74123 i.e. one of the components, that can be run as default value or as user input or as system defined parameters i.e. the external parameters. For the steps of “determining whether a value for each of the runtime parameter is to be provided by user input; determining whether a value for each of the runtime parameters is to be externally supplied programmatically” Pspice on page 261 at bottom figure illustrates whether a value for each of the runtime parameter is to be provided by user input e.g., by changing display, delete and save attribute; and in the same figure determines whether a value for each of the runtime parameters is to be externally supplied programmatically, e.g. include system defined and non-changeable attributes. Pspice on page 261 displays a prompt to a user for receiving user input for every runtime parameter so determined to be provided by user input. The next step of the claim claims retrieving any externally supplied value for every runtime parameters determined to be externally supplied programmatically, Examiner’s interpretation: the requirements for a system to run an application

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like Pspice are a color monitor, 16 MB of RAM and a math coprocessor. In order the system meets the platform's requirements, then the system inherently supplies programmatically the parameters to the Pspice application, and these parameters are considered external values, since they are not part of the Pspice application. Examiner's suggestion: Applicant may provide more detailed information and type of parameters that are considered as externally supplied. The following step of the claim is inherent in respect to the previous teaching and on page 261 in the same figure may determine parameter values for the runtime parameters based on the user input to such prompt or such externally supplied value or a default value, see under "Value" the value 1ms may be the final parameter value based on the user input. Pspice on page 294 at middle figure illustrates nominal results and worst-case result. The user may be determined parameter values by changing the parameters on page 294 in lower figure. This type of exercise modifies the graph-based representation of the application. The results of this modification are shown on page 295, the top figure. Examiner would like to refer Applicant to see the bottom two figures on page 51 that illustrates the parameter values and the connections between the components textually and graphically. The user being able to change the values for each element or the values can be selected from the default values, e.g., the value of temperature for particular element.

2. Claims 3, 16, and 26

The following step is inherent "providing an interface, which permits designating a parameter of a graph component as a runtime parameter". See on page 255 proving interfaces to each component to apply the runtime parameters. The rejection of claims 16 and 26 is similar to the rejection for claim 3.

3. Claims 4, 17, and 30

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Pspice on page 255 illustrates amplifier, zener diode, and a flip-flop, which are contained logical expression as Applicant defines on page 13 line 6 of the specification. The rejection of claims 17 and 30 is similar to the rejection for claim 4.

4. Claims 5, 18, and 31

The following limitation is inherent “the expression computes metadata”, because on page 255 the data or the value for the component V1 with frequency=1k and amplitude=1 are considered as metadata. Applicant needs to be more specific about the metadata type. The rejection of claims 18 and 31 is similar to the rejection for claim 5.

5. Claim 8, 21, and 34

The following step is inherent “displaying the prompt depends upon evaluation of user input to a prior displayed prompt”, because Pspice on page 255 top figure illustrates a conditional input for the user. The rejection of claims 21 and 34 is similar to the rejection for claim 8.

6. Claims 14, and 27,

The rejection of the claim 1 is applied to the rejection of claims 14 and 27.

7. Claims 9, 12, 22, 25, 35 and 38

The rejection of claim 1 applies to rejection of claims 9, 12, 22, 25, 35 and 38, however, Applicant in claim 9, section (a) claims a conditional component having an associated condition and an associated condition-interpretation. *Id.*, Pspice on page 256 at the middle figure illustrates 11 conditions that permit changes to the result based on parameter values. Pspice on page 264 discloses init. Conditions when the user set up the transient dialog box, also the condition for the flip-flop initialization can be evaluated for three different conditions. Pspice on page 263 illustrates an initialization circuit that can be modified by connecting it to a different node or

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changing the value of a resistor/capacitor/voltage supply, and the results can be executed according to condition-interpretation for such conditional component. Examiner's suggestion: Applicant needs to provide more detailed language in the claim invention.

8. Claims 12, 22, 25, 35 and 38,

The rejection of claim 9 applies to the rejection of claims 12, 22, 25, 35 and 38.

9. Claims 11, and 37

Pspice on page 255 illustrates an op-amp circuit that drives the clock of a J-K flip-flop, and by removing the op-amp circuit (i.e. similar to the claim language as component and flows connected to such components) or just by removing the zener diode D1 that controls the value of voltage (i.e. similar to the claim language as a conditional component) that depend on each other.

The rejection of claim 37 is similar to the rejection for claim 11.

10. Claims 13, 24

Pspice on page 264 discloses init. Conditions when the user set up the transient dialog box, also the condition for the flip-flop initialization can be evaluated for three different conditions. Pspice on page 263 illustrates an initialization circuit that can be modified by connecting it to a different node or changing the value of a resistor/capacitor/voltage supply, and the results can be executed according to condition-interpretation for such conditional component. The rejection of claim 24 is similar to the rejection for claim 13.

11. Claims 29, and 39

The claim's limitation is inherent because each computer contains an interface to a display, network, a printer or etc. Applicant needs to be more explicit about the claim invention. The rejection of claim 39 is similar to the rejection for claim 29.

Conclusion

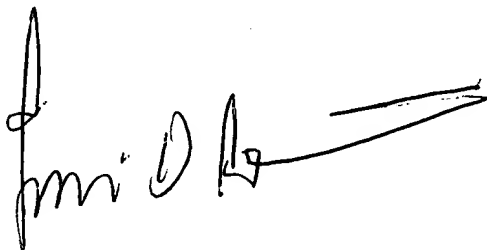
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
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Javid Amini

A handwritten signature in black ink, appearing to read 'Javid Amini', with a long horizontal flourish extending to the right.